UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 10th day of September, two thousand four.

Present: HON. ROGER J. MINER,
                HON. ROBERT A. KATZMANN,
                                Circuit Judges,
                HON. JED S. RAKOFF,[*]
                                District Judge.

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DAVID ZAIRE,

                        Plaintiff-Appellant,

                - v -

                                                No. 03-0219

L. BARRINGER, Registered Nurse, Shawangunk Corr.
Facility; GLENN S. GOORD, Commissioner for the
NYS Department of Corr. Services,

                        Defendants-Appellees.

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Submitted For Plaintiff-Appellant: DAVID ZAIRE, *pro se,* Malone, NY

Submitted For Defendants-Appellees: NANCY A. SPEIGEL, Assistant Solicitor
                                          General, *for* Eliot Spitzer, Attorney General
                                          of the State of New York, Albany, NY

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[*] The Honorable Jed S. Rakoff, of the United States District Court for the Southern District of New York, sitting by designation.

(Assistant Solicitor General Frank Brady, *of counsel*, on the brief).

Appeal from the United States District Court for the Northern District of New York (Hurd, *J.*).

ON CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court be and hereby is **AFFIRMED**.

David Zaire, *pro se*, appeals from the district court's judgment dismissing his civil rights complaint brought under 42 U.S.C. § 1983. The parties' familiarity with the facts is assumed. Upon review of the record, we conclude that the district court committed no error that would lead to reversal. The judgment of the district court is **AFFIRMED**.

FOR THE COURT:
ROSEANN B. MacKECHNIE, CLERK
By:

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